DETAILED ACTION

1.   This action is a response to communications filed October 29, 2009.

2.   Claims 1, 3-13, and 16-22 are pending in this application. Claims 1, 3-5, and 12-

13 are currently amended. Claim 15 is currently cancelled. And claim 23 is newly

presented.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 1, 6-11, 16-21 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Perras et al (U.S. Patent No. 6,904,033, hereinafter Perras), in

view of Jayapalan et al (Patent Application Publication No. 2003/0158959,

hereinafter Jayapalan).

5.   With respect to claim 1, Perras discloses a method for establishing a data

communication session with a mobile subscriber in a wireless communication network

(Col. 1, lines 8-11), comprising:

        receiving a registration request at a packet data server to register a data

communication session (Col. 3, lines 39-40, *MIP registration request*) between the

packet data server and the mobile subscriber (Col. 3, lines 39-40, *PDSN*) prior to a

radio air link being established (Col. 4, 63-65, where the radio air link is not established

until the MIP registration is complete) with the mobile subscriber (Col. 3, line 38, *mobile*

node);

Sending a reply signal from the packet data server to trigger the establishment of

a radio air link between the base station and the mobile subscriber to allow

communication between the packet data server and the mobile subscriber (Col. 4, lines

63-65, *Agent Advertisement message*; Figure 2, **44**);

Establishing a data communication session between the mobile subscriber and

the packet data server using the data link connection.

But does not disclose waiting a set time period.

However, Jayapalan disclose waiting a time period after the registration request

and the reply to allow establishment of the radio air link before sending a link before

sending a link configuration request to the mobile subscriber (paragraph [0024], lines

15-20), wherein the link configuration request is used to set up a data link connection

between the mobile subscriber and the packet data server (paragraph [0024], lines 1-6).

It would have been obvious to one skilled in the art at the time the invention was

made to combine the PPP session configuration of Perras with the timeout timers of

Jayapalan. The motivation being, to improve efficiency of establishing a PPP session

by waiting a predetermined time duration for configuring users on the wireless network.

6.   With respect to claim 6, the combination of Perras and Jayapalan discloses the

method of claim 1. Perras further discloses wherein registering the data session

comprises registering the data session according to an A11 protocol compatible with a

Point-to-Point Protocol (PPP) communication network (Col. 3, lines 33-34).

7.   With respect to claim 7, the combination of Perras and Jayapalan discloses the

method of claim 1, Perras further discloses wherein sending the link configuration

request signal comprises sending a Point-to-Point Protocol (PPP) based signal (Col. 3,

lines 33-37).

8.   With respect to claim 8, Perras discloses a method for communicating with a

mobile subscriber in a wireless communication network (Col. 1, lines 8-11), comprising:

        Receiving a request at a packet data server to register a data session (Col. 3,

line 39, *MIP registration request*) between a mobile subscriber and the packet data

server (Col. 3, lines 39-40, *PDSN*) prior to a radio air link being established with the

mobile subscriber (Col. 4, 63-65, where the radio air link is not established until the MIP

registration is complete);

        Sending an initial link configuration signal for the mobile subscriber from the

packet data server (Col. 4, lines 63-65, *Agent Advertisement message*; Figure 2, **44**),

wherein a link configuration signal is used to establish a data link connection between

the mobile subscriber and the packet data server;

        But does not disclose waiting a set time period.

However Jayapalan disclose waiting a first set time period from sending the initial link configuration request signal for the mobile subscriber before sending a second initial link configuration request signal (paragraph [0024], lines 15-20), wherein the first set time period provides additional time for the establishment of the radio air link (paragraph [0013], lines 1-16).

It would have been obvious to one skilled in the art at the time the invention was made to combine the PPP session configuration of Perras with the timeout timers of Jayapalan. The motivation being, to improve efficiency of establishing a PPP session by waiting a predetermined time duration for configuring users on the wireless network

9.   With respect to claim 9, the combination of Perras and Jayapalan discloses the method of claim 8, Jayapalan further discloses the method providing a second wait time period triggered by a data communications error event before sending a link configuration request signal to the mobile subscriber (paragraph [0020], lines 1-7).

10.   With respect to claim 10, the combination of Perras and Jayapalan discloses the method of claim 8, Perras further discloses repeatedly waiting a time equal to the first wait time period until an air link to the mobile subscriber is successfully established (Col. 5, lines 40-47).

11.   With respect to claim 11, the combination of Perras and Jayapalan discloses the method of claim 9, Jayapalan further discloses the link configuration signal is a Point-to-

Point Protocol (PPP) based communication protocol which upon configuration

established a PPP connection between the mobile subscriber and the packet data

server (paragraph [0002], lines 1-6).

12.   With respect to claim 13, the combination of Perras and Jayapalan discloses the

method of claim 8, Jayapalan discloses the radio air link allows the establishment of a

data communication session (paragraph [0002], lines 1-6).

13.   With respect to claim 16, Perras discloses a method for establishing a data

communication session with a mobile subscriber in a wireless communication network,

the method comprising (Col. 1, lines 8-11):

Sending the configuration request signal to the mobile subscriber after a

triggering event (Col. 4, lines 63-67), wherein the triggering event indicates that an air

link is established with the mobile subscriber (Col. 4, lines 50-59); and

Establishing a PPP connection between the mobile subscriber and the packet

data server and providing the data communication session over the PPP connection

(Col. 5, lines 16-18).

But does not disclose delaying the configuration request.

However Jayapalan disclose delaying a transmission of a configuration request

for a Point-to-Point (PPP) protocol connection setup signal from the data packet server

module to the mobile subscriber after receiving a registration request at the data packet

server (paragraph [0020], lines 1-7).

14.   With respect to claim 18, Perras discloses the method of claim 16, further

comprising sending a signal from the packet data server to trigger the establishment of

a radio air link between thee base station and the mobile subscriber to allow

communication between the packet data server and mobile subscriber (Col. 4, lines 65-

67, *Responsive to the receipt*).

It would have been obvious to one skilled in the art at the time the invention was

made to combine the PPP session configuration of Perras with the timeout timers of

Jayapalan. The motivation being, to improve efficiency of establishing a PPP session

by waiting a predetermined time duration for configuring users on the wireless network.

15.   With respect to claim 17, the combination of Perras and Jayapalan discloses

method of claim 16, Jayapalan further discloses a method wherein the triggering event

is a time-based trigger signal (paragraph [0020], lines 1-7).

16.   With respect to claim 18, the combination of Perras and Jayapalan discloses

method of claim 16, Jayapalan further discloses a method wherein withholding the data

session configuration request signal continues until an event-based trigger signal is

received by the packet data server (paragraph [0020], lines 1-7).

17.   With respect to claim 19, Perras discloses a system for wireless communication

(Col. 1, lines 8-11), comprising:

a packet data server (Col. 3, lines 39-40, *PDSN*);

a communication network adapted for carrying control and data packets between a mobile subscriber and the packet data server (Col. 3, lines 37-41);

said packet data server including a processor that triggers the establishment of the radio air link and attempts sending a configuration request signal over said communication network (Col. 4, lines 63-65) responsive to an indication that said radio air link is ready to carry said configuration request signal to said mobile subscriber to establish a first Point-to-Point (PPP) connection (Col. 4, lines 65-67).

But does not disclose a delay time.

However, Jayapalan discloses a radio air link portion of said communication network (paragraph [0005], lines 1-4), the radio air link having associated therewith an air link establishment delay time (paragraph [0024], lines 15-20).

It would have been obvious to one skilled in the art at the time the invention was made to combine the PPP session configuration of Perras with the timeout timers of Jayapalan. The motivation being, to improve efficiency of establishing a PPP session by waiting a predetermined time duration for configuring users on the wireless network.

18.   With respect to claim 20, the combination of Perras and Jayapalan discloses the system of claim 19. Jayapalan further discloses the indication comprises a time-based signal indicating that a wait time exceeding the air link establishment delay time has elapsed (paragraph [0020], lines 12-14).

19.   With respect to claim 21, the combination of Perras and Jayapalan discloses the system of claim 19, Perras the indication comprises an event-based signal indicating that the air link has been successfully established to the mobile subscriber (Col. 4, lines 65-67).

20.   With respect to claim 23, the combination of Perras and Jayapalan discloses the method of claim 1, Jayapalan discloses where the time period is determined from the packet data server pinging a node and determining a network propagation time (paragraph [0025], block **612**).

21.   **Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Perras and Jayapalan, as applied to claim 1 above, in view of Levenson et al (Pat. No. 6,791,945) hereinafter Levenson.**

22.   With respect to claim 3, the combination of Perras and Jayapalan discloses the method of claim 1, but fails to disclose a method for including a dynamic wait time.

         However Levenson disclose a dynamic duration for the set time period based on network conditions (Levenson: Col. 2, lines 42-60).

         It would have been obvious to one skilled in the art at the time the invention was made to combine the combination of Perras and Jayapalan with Levenson because a dynamic wait time increases the versatility of configuring users on the wireless network (Levenson: Col. 4, lines 10-21).

23.   **Claims 4, 5, and 12 are rejected under 35 U.S.C. 103(a) as being**

unpatentable over the combination of Perras and Jayapalan, as applied to claims

1 and 8 above, in view of Kokko et al (Pat. No. 6,005,852) hereinafter Kokko.

24.   With respect to claim 4, the combination of Perras and Jayapalan discloses the

method of claim 1, but fails to disclose a method for a wait time duration between 10

milliseconds and 1 second.

    However Kokko discloses waiting the time period comprises providing a fixed

wait time period having a duration between 10 milliseconds and 1 second (Kokko: Col 9,

lines 5-13).

    It would have been obvious to one skilled in the art at the time the invention was

made to combine the combination of Perras and Jayapalan with Kokko because a wait

time duration between 10 milliseconds and 1 second increases the efficiency of

configuring users on the wireless network (Kokko: Col. 8, lines 49-56).

25.   With respect to claim 5, the combination of Perras and Jayapalan discloses the

method of claim 1, but fails to disclose a method for a wait time duration of 100

milliseconds.

    However Kokko discloses waiting the time period comprises providing a fixed

wait time period having a duration of approximately 100 milliseconds (Kokko: Col 9,

lines 5-13).

It would have been obvious to one skilled in the art at the time the invention was made to combine the combination of Perras and Jayapalan with Kokko because a wait time duration of 100 milliseconds increases the efficiency of configuring users on the wireless network (Kokko: Col. 8, lines 49-56).

26.   With respect to claim 12, the combination of Perras and Jayapalan discloses the method of claim 8, but fails to disclose a method a for a wait time between 10 milliseconds and 1 second.

However Kokko discloses waiting the first time period comprises waiting a first time period having a duration between 10 milliseconds and 1 second (Kokko: Col 9, lines 5-13).

It would have been obvious to one skilled in the art at the time the invention was made to combine the combination of Perras and Jayapalan with Kokko because a wait time duration between 10 milliseconds and 1 second increases the efficiency of configuring users on the wireless network (Kokko: Col. 8, lines 49-56).

27.   **Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Perras, in view of Cheng et al (Pat. No. 6,076,181) hereinafter Cheng-181.**

28.   With respect to claim 22, the combination of Perras and Jayapalan, but fail to disclose a method for buffering data packets.

However Cheng-181 discloses buffering the data packets prior to the successful
establishment of a radio air link to the mobile subscriber (Cheng-181: Col. 6, lines 64-
67; Col. 7, lines 1-14).

It would have been obvious to one skilled in the art at the time the invention was
made to combine the combination of Perras and Jayapalan with Cheng-181 because a
buffer improves the efficiency of configuring users on the wireless network (Cheng-181:
Col. 3, lines 28-37).

Response to Arguments

29.   Applicant's arguments filed October 29, 2009 have been fully considered but they
are not persuasive.

30.   With respect to claim 1, the applicant argues that it would not have been obvious
the combine the teachings of Perras and Jayapalan.

31.   The examiner respectfully disagrees. Not only would it have been obvious to one
skilled in the art at the time the invention was made to combine the combination of
Perras and Jayapalan, but such a combination discloses the waiting time of the instant
invention. Motivation to combine is provided in the Background of the Invention of
Jayapalan, solving the problem of reducing multiple negotiations to improve the quality
of communication (paragraph [0005]). Furthermore, and contrary to the applicants
assertion, Jayapalan discloses more than just, " a PPP session in which waiting takes

place," the reference discloses a method whereby a series of algorithms are

implemented to efficiently negotiate configurations requests. If the applicant insists that

such a negotiation is accomplished prior to any radio air link communication taking

place, the examiner contends that such an embodiment is impossible if the connecting

party wishes to communicate strictly via a wireless connection.

32.   With respect to claim 8, the applicant argues that the combination of Perras and

Jayapalan fails to discloses *sending a signal from the packet data server to trigger the*

establishment of a radio air link between the base station and the mobile subscriber to

allow communication between the packet data server and the mobile subscriber.

33.   The examiner respectfully disagrees. Jayapalan discloses, in the Background of

the Invention discussing wireless systems that are well known in the art, the trigger of a

wireless connection between two devices as a configuration request message

(paragraph [0004], lines 12-15)

Conclusion

34.   **THIS ACTION IS MADE FINAL**. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

35.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to BLAKE RUBIN whose telephone number is (571) 270-

3802. The examiner can normally be reached on M-R: 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

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